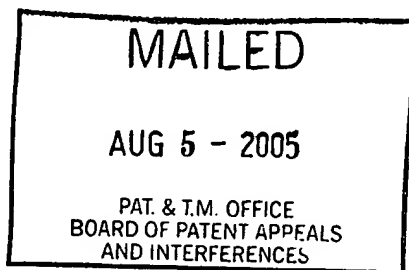




UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES
BOX INTERFERENCE, WASHINGTON, D.C. 20231



Filed by: Judge Sally C. Medley
Telephone: 571-272-9797
Facsimile: 571-273-0042

Applicants: SCHOFIELD
Application No.: 09/441.341
Filed: 11/16/99
For: Vehicle headlight control using imaging sensor

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,325.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

/ss/ Sally C. Medley
Administrative Patent Judge

Mail Stop Interference
P.O. Box 1450
Alexandria Va 22313-1450
Tel: 571-272-9797
Fax: 571-273-0042

Filed: 5 August 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

JOSEPH SCOTT **STAM**, JON HAROLD BECHTEL
and JOHN KING ROBERTS
Junior Party
(Patent 5,837,994),

v.

KENNETH **SCHOFIELD**, MARK L. LARSON
and KEITH J. VADAS
Senior Party
(Application 09/441,341).

Patent Interference No. 105,325
(Technology Center 2800)

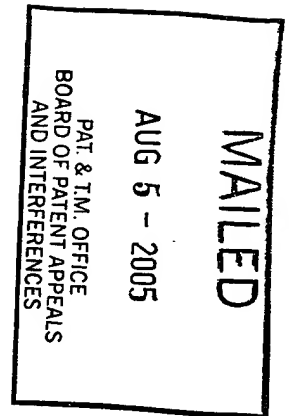
DECLARATION - Bd.R. 203(d)

Before Sally C. Medley, Administrative Patent Judge.¹

Part A. Declaration of interference

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties. Details of the application(s), patent (if any), reissue application (if any),

¹As part of Board efforts under the Government Paperwork Elimination Act, signatures on papers originating from the Board are being phased out in favor of a completely electronic record. Consequently, in this case papers originating at the Board will not have signatures. The signature requirements for the parties have not changed. See, e.g., 37 C.F.R. § 10.18.



count(s) and claims designated as corresponding or as not corresponding to the count(s) appear in Parts E and F of this DECLARATION.

Part B. Judge managing the interference

Administrative Patent Judge Sally C. Medley has been designated to manage the interference. 37 CFR § 41.104(a) [Bd. R. 104(a)].

Part C. Standing order

A Trial Section STANDING ORDER [SO] accompanies this DECLARATION. The STANDING ORDER applies to this interference.

The Board is conducting a DVD pilot project. A copy of the procedure is attached to this order.

Part D. Initial conference call

A telephone conference call to discuss the interference is set for **1:30 p.m. on 4 October 2005** (the Board will initiate the call).

No later than **two business days** prior to the conference call, each party shall file and serve by facsimile (SO ¶ 4.5) a list of the motions (Bd. R. 120; Bd. R. 204; SO ¶ 26) the party intends to file.

A sample schedule for taking action during the motion phase appears as Form 2 in the STANDING ORDER². Counsel are encouraged to discuss the schedule prior to the conference call and to agree on dates for taking action. A typical motion period lasts approximately eight (8) months. Counsel should be prepared to justify any request for a shorter or longer period.

² Default times for time periods 1-10 are attached.

The Board is conducting an electronic filing pilot project. A copy of the procedure is attached to this order. Counsel should be prepared to discuss participation in the pilot project.

Part E. Identification and order of the parties

Junior Party

Named inventors:	JOSEPH SCOTT STAM, Holland, Michigan JON HAROLD BECHTEL, Holland, Michigan JOHN KING ROBERTS, East Grand Rapids, Michigan
Patent:	5,837,994, granted 17 November 1998, based on application 08/831,232, filed 2 April 1997, and Re-examined per application 90/005439, filed 30 July 1999, certificate issued 16 October 2001
Title:	Control system to automatically dim vehicle lamps
Assignee:	Gentex Corporation
Accorded Benefit:	none

Senior Party

Named Inventors:	KENNETH SCHOFIELD, Holland, Michigan MARK L. LARSON, Grand Haven, Michigan KEITH J. VADAS, Coopersville, Michigan
Application:	09/441,341, filed 16 November 1999
Title:	Vehicle headlight control using imaging sensor
Assignee:	none
Accorded Benefit:	09/135,565, filed 17 August 1998, now Patent 6,097,023, granted 1 August 2000

08/621,863, filed 25 March 1996, now
Patent 5,796,094, granted 18 August 1998

08/023,918, filed 26 February 1993, now
Patent 5,550,677, granted 27 August 1996

The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1). The senior party is responsible for initiating settlement discussions. SO ¶ 18.

Part F. Counts and claims of the parties

Count 1

Schofield application 09/441,341 claim 89

or

Stam Patent 5,837,994 claim 36³

The claims of the parties are:

Stam: 1-55

Schofield: 54-99

The claims of the parties which correspond to Count 1 are:

Stam: 36-40

Schofield: 89-93

³ As issued in the reexamination certificate.

Count 2

Schofield application 09/441,341 claim 94

or

Stam Patent 5,837,994 claim 44⁴

The claims of the parties are:

Stam: 1-55

Schofield: 54-99

The claims of the parties which correspond to Count 2 are:

Stam: 44-49

Schofield: 94-98

Count 3

Schofield application 09/441,341 claim 99

or

Stam Patent 5,837,994 claim 50

The claims of the parties are:

Stam: 1-55

Schofield: 54-99

⁴ As issued in the reexamination certificate.

The claims of the parties which correspond to Count 3 are:

Stam: 50

Schofield: 99

The claims of the parties which do not correspond to any count, and therefore are not involved in the interference:

Stam: 1-35, 41-43 and 51-55

Schofield: 54-88

Part G. Heading to be used on papers

The heading in SO Form 1 must be used on all papers filed in this interference.

See SO ¶ 7.2.1. The administrative patent judge and parties must be indicated as follows:

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES
(Administrative Patent Judge Sally C. Medley)

JOSEPH SCOTT **STAM**, JON HAROLD BECHTEL
and JOHN KING ROBERTS
Junior Party
(Patent 5,837,994),

v.

KENNETH **SCHOFIELD**, MARK L. LARSON
and KEITH J. VADAS
Senior Party
(Application 09/441,341).

Patent Interference No. 105,325

Part H. Order form for requesting file copies

When requesting copies of files, use of SO Form 4 will greatly expedite processing of the request. Please attach a copy of Part E of this DECLARATION with a hand-drawn circle around the patents and applications for which a copy of a file wrapper is requested.

Part I. Required paragraph for affidavits and declarations

The Board has recently experienced a rash of cases in which a witness has belatedly advanced reasons why he or she would be unable to appear for cross examination at a reasonable time and place in the United States. Consequently, the Board is requiring the following paragraph to be included on the signature page of all affidavits (including declarations) filed in this case to prevent surprise and hardship to the party relying on the testimony of the witness:

In signing this affidavit/declaration, I recognize that the affidavit/declaration will be filed as evidence in a contested case before the Board of Patent Appeals and Interferences of the United States Patent and Trademark Office. I also recognize that I may be subject to cross examination in the case and that cross examination will take place within the United States. If cross examination is required of me, I will appear for cross examination within the United States during the time allotted for cross examination.

Enc:

Copy of STANDING ORDER
Copy U.S. Patent 5,837,994 and reexamination certificate
Copy of claims of 09/934,218
Copy of U.S. Patent 6,097,023
Copy of U.S. Patent 5,796,094
Copy of U.S. Patent 5,550,677

Revised January 2005

cc (via overnight delivery):

Attorney for STAM:

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& LITTON
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Attorney for SCHOFIELD:

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2851 Charlevoix Drive, S.E.
P.O. Box 888695
Grand Rapids, MI 49588-8695

INTERFERENCE DIGEST

Interference No. 105,325

Paper No. 15

Name: Kenneth Schofield et al.

Serial No.: 09/441,341

Patent No.

Title: Vehicle headlight control using imaging sensor

Filed: 11/16/99

Interference with Stam et al.

DECISION ON MOTIONS

Administrative Patent Judge, _____ Dated, _____

FINAL DECISION

Board of Patent Appeals and Interferences, adverse Dated, 9-26-06

Count 3 only - favorable to Count 1 & 2

Court, _____ Dated, _____

REMARKS

This should be placed in each application or patent involved in interference in addition to the interference letters.